

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS

December 9, 1981

An adjourned regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, December 9, 1981 in the City Hall Council Chambers.

## ROLL CALL

Present: Councilmen - Hughes, Katnich, Murphy,  
Pinkerton and McCarty (Mayor)

Absent: Councilmen - None

Also Present: City Manager Graves, Assistant City  
Manager Glenn, Community Development  
Director Schroeder, City Attorney  
Stein, and City Clerk Reimche

## INVOCATION

Mrs. Judy Johnson and Mr. Gary Borelli presented selections of Christmas music in the spirit of the approaching Christmas holidays.

## PLEDGE

Mayor McCarty led the Pledge of Allegiance to the flag

## PUBLIC HEARINGS

Mayor McCarty announced that no Public Hearings had been scheduled for this meeting.

## PLANNING COMMISSION

Council received the following report of the Planning Commission meeting of November 23, 1981:

The Planning Commission -

## ITEMS OF INTEREST

1. Conditionally approved the request of Baumbach and Piazza, Consulting Engineers, on behalf of Dennis Bennett for a Tentative Subdivision Map of Homestead Oaks, a 4-lot condominium project proposed for 511 Murray Street in an area zoned C-1, Neighborhood Commercial.
2. Conditionally approved the request of Baumbach and Piazza, Consulting Engineers, on behalf of John Zabelle for a Tentative Parcel Map to create 3-lots on the north side of Cochran Road, west of the Woodbridge Irrigation District right-of-way in an area zoned R-1, Single-Family Residential.
3. Conditionally approved the request of Monte Seibel, Land Surveyor, on behalf of Glen R. Ruth for a Tentative Parcel Map to create two lots at 325 and 333 Harold Street, in an area zoned R-MD, Residential Medium Density, Multiple Family.
4. Approved the request of U-Haul Company of Fresno to extend a Use Permit until May 12, 1982 for a temporary office trailer and truck and trailer rental at 450 North Cherokee Lane in an area zoned C-2, General Commercial.
5. Recommended that the San Joaquin County Board of Zoning Adjustment approve the request of Joseph Newfield for a Use Permit for a 31-Unit recreational vehicles campground at the northeast corner of State Route 99 and the Mokelumne River.

## COMMUNICATIONS

AMENDED LOT LINE  
ADJUSTMENT APPROVED  
LOTS 255 AND 256,  
VINEYARD SUBDIVISION  
UNIT #3

City Clerk Reimche apprised the Council that a Memorandum had been received from the Community Development Director, James Schroeder, stating that there was a drafting error on the map of the Lot Line Adjustment between Lots 255 and 256 in the Vineyard Subdivision, Unit No. 3 which was approved on November 18, 1981. Following discussion, on motion of Mayor Pro Tempore Murphy, Hughes second

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COMMUNICATIONS  
(Cont'd)

Council adopted Resolution No. 81-160A approving the corrected Lot Line Adjustment between Lots 255 and 256 in the Vineyard Subdivision, Unit #3.

DOWNTOWN ASSESSMENT  
DISTRICT

Council received a report from the City Clerk that she had completed the preliminary examination of the Downtown Assessment District petitions and that it would indicate that the proponents have accomplished their task of obtaining the necessary signatures. The petitions have now been forwarded to the engineers for final verification and certification.

REQUEST FOR SEWER  
HOOK-UP DENIED

Following Council discussion, Council, on motion of Councilman Katnich, Pinkerton second, denied the request received from Mr. Joseph Newfield for a sewer hook-up to the existing city sewer lines directly across the Mokelumne River from the proposed recreational vehicle park on the north side of the Mokelumne River just across from Casa De Lodi Mobile Home Park.

REQUEST FOR REQUIRE-  
MENT TO COMPLETE  
INSTALLATION OF  
SIDEWALKS ON EAST  
SIDE OF SOUTH SUN-  
SET DRIVE, SOUTH OF  
LODI AVENUE

City Clerk Reimche apprised Council that a letter had been received from Mr. Bill Stemler, 1200 W. Lodi Avenue and Mr. Earl H. Johnson 305 S. Sunset Drive, requesting that Council require completion of installation of sidewalks on the east side of South Sunset Drive, south of Lodi Avenue. Following Council discussion, with the tacit concurrence of the Council, this matter was referred to Staff.

## ABC LICENSES

Council received an application for Alcoholic Beverage License from John P. Jensen and Judith Karker, John's Back Bay, 100 N. Cherokee Lane, Suite 5 - on-sale general eating place.

LETTER OF APPRECIATION  
RECEIVED RE: COUNCIL'S  
SUPPORT OF MEASURE  
A, THE SPECIAL TAX  
ASSESSMENT FOR  
MOSQUITO CONTROL

City Clerk Reimche presented a letter which had been received from Jack W. Corell, President Board of Trustees, San Joaquin County Mosquito Abatement District and J. Don Lawson, Treasurer, Friends of Measure A expressing appreciation for the Council's endorsement of Measure A, the special tax assessment for mosquito control.

RECEIVED REQUEST TO  
TRANSFER BRICK AND  
TILE APPRENTICE CLASS  
TO AUTO SHOP AREA OF  
LODI COMMUNITY CENTER

Council referred to Ms. Charlene Lange, Community Relations Assistant, a letter which had been received from Mr. Milton E. Stirm, Chairman for the Joint Apprenticeship Committee, Bricklayers and Allied Craftsmen, Local No. 12, requesting permission to transfer the Brick and Tile Apprentice Class to the Auto Shop area of the Lodi Community Center if the Wood Shop area is to be renovated.

## CLAIMS

On recommendation of R.L. Kautz and Company, and the City Attorney, Council, on motion of Councilman Pinkerton, Murphy second, denied the following Claim and referred same to R.L. Kautz and Company.

Michael Villarin - Date of loss August 29, 1981

CHECK RECEIVED  
FROM OLD LODI HIGH  
SCHOOL SITE FOUNDA-  
TION

Council received a check from the "old" Lodi High School Site Foundation in the amount of \$5,000.00 and extended sincere appreciation to the Foundation for all of its efforts.

ALMOND DRIVE MOBILE  
ESTATES

City Clerk Reimche presented a letter which had been received from Laura E. Bainbridge, Attorney at Law asking that Council at a shirt-sleeve session go out and view the driveway at Almond Drive Mobile Estates.

On motion of Mayor Pro Tempore Murphy, McCarty second, Council placed this matter on the agenda for the Informal Informational meeting of January 5, 1982 and directed the City Clerk to apprise Attorney Bainbridge of the date and time.

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COMMENTS BY CITY  
COUNCILMEN

Mayor Pro Tempore Murphy and Council Pinkerton gave a report on the National Congress of Cities Conference they recently attended in Detroit.

UPDATE ON RECENT  
NATIONAL CONGRESS OF  
CITIES CONFERENCE CC-14REPORTS OF THE CITY  
MANAGER

In accordance with report and recommendation of the City Manager, the following actions, hereby set forth between asterisks, on motion of Councilman Pinkerton, Murphy second, were approved by the Council.

## CONSENT CALENDAR

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## CLAIMS CC-20(a)

CLAIMS WERE APPROVED IN THE AMOUNT OF \$624,894.54.

## MINUTES

The minutes of November 4, 1981 were approved as written.

PLANS AND SPECS FOR  
"SALAS PARK CONCESSION  
STAND FILL" APPROVED

Council approved the plans and specifications for "Salas Park Concession Stand Fill" and authorized the City Clerk to advertise for bids thereon.

CC-14 (2)

Council was apprised that in general, the work consists of placing and compacting approximately 500 cubic yards of fill within the Salas Park concession stand structure and the project is estimated to cost approximately \$8,500.00.

SPECS APPROVED FOR  
PURCHASE OF TWO  
THREE-PHASE PAD-  
MOUNTED TRANSFORMERS

Council approved the specifications for the purchase of one 500 KVA and one 750 KVA padmounted transformer and authorized the Purchasing Agent to advertise for bids thereon.

ALDON PLACE  
SUBDIVISION FINAL  
MAP APPROVED

Council approved the Final Map and Security Agreement for Aldon Place Subdivision and directed City Clerk to execute the agreement on behalf of the City.

CC-14

This map is for a one-lot condominium subdivision comprised of eight separately owned condominium units and a common area. It is located at 1311 South Central Avenue. The off-site improvements are being installed under an encroachment permit and no subdivision agreement is required.

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1982 GENERAL  
MUNICIPAL ELECTION

Following introduction of the matter by the City Clerk Alice Reimche and discussion, Council took the following actions pertaining to the 1982 General Municipal Election:

RES. NO. 81-164 -  
81-168

a) On motion of Councilman Pinkerton, Murphy second, determined not to consolidate with the County for the 1982 General Municipal Election.

CC-18  
CC-300

On motion of Mayor Pro Tempore Murphy, Katnich second, adopted Resolution No. 81-164 - Resolution calling a General Municipal Election to be held April 13, 1982.

On motion of Councilman Katnich, Murphy second, adopted Resolution No. 81-165 determining that no limit shall be established on the amount of expenditures or contributions for campaigns for the April 13, 1982 General Municipal Election.

On motion of Councilman Katnich, Pinkerton second, adopted Resolution No. 81-166 - Resolution adopting regulations pertaining to the Candidates Statement for the April 13, 1982 General Municipal Election in that

1) No charges shall be levied to the candidate for the printing, handling, or distribution of the Candidate's Statement.

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1982 GENERAL  
MUNICIPAL ELECTION

2) The Candidate's Statement shall be limited to a maximum of 200 words.

RES. NO. 81-164-81-168  
(Cont'd)

3) Candidates for elective office will not be permitted to prepare separately other materials to be sent to each voter in addition to the sample ballot and the voters pamphlet.

On motion of Councilman Pinkerton, Hughes second, Council adopted Resolution No. 81-167 determining that there will be filing fee charged for the processing of a candidate's nomination papers for the April 13, 1982 General Municipal Election.

On motion of Mayor Pro Tempore Murphy, Pinkerton second, Council adopted Resolution No. 81-168 approving agreement with the County of San Joaquin Election Department to provide equipment and various services for the April 13, 1982 General Municipal Election.

On motion of Councilman Katnich, Pinkerton second, Council reaffirmed its earlier position of providing oral assistance only regarding bilingual voting requirements for the April 13, 1982 General Municipal Election.

REYNOLDS' PARCEL  
REIMBURSEMENT  
PAYMENTS DISCUSSED

City Manager Graves introduced Agenda item "g" asking that Council clarify its intent regarding the reimbursement payments which are to be made at the time the Reynolds request water or sewer service or make major on-site improvements to their property at 310 North Cluff Avenue.

Council was informed that Mr. Henry Reynolds recently requested a meeting with staff to discuss conditions in the agreement for conveyance of Cluff Avenue, Right-of-way. At this meeting, Mr. Reynolds requested that the City Council be asked to clarify their intent regarding the reimbursements to the Assessment District for the installation of the water and sewer mains fronting his property. It was Mr. Reynolds' understanding that the cost of the water and sewer mains was to be the Assessment District's responsibility and that he would not now or in the future share in the installation cost of these utilities. He understood that he would pay the cost of the sewer lateral and the connection fee. It was also his understanding that the City would be responsible for the installation of curb, gutter and sidewalk in exchange for right-of-way but that the eight feet of paving on the easterly side of Cluff Avenue would be his responsibility at the time of development or request for water or sewer service. The cost of the paving would be the amount the City paid for the paving plus accrued interest.

The rate of interest was not addressed previously. Mr Reynolds would like to know what that interest rate would be. As a point of information, the interest rate on the Northeast Area Sanitary Sewer Lift Station Reimbursement Agreement is 10%. Staff feels that this would also be a fair rate for the paving reimbursement.

A very lengthy discussion followed with questions being directed to Staff and to Mr. Reynolds, who was in the audience. On motion of Councilman Katnich, Pinkerton second, Council confirmed that the City's adopted Utility Reimbursement policy does apply to Reynolds and indicated that it felt it was unjust to force Reynolds to tie onto the sanitary sewer. Further Council asked for a study of the sewer ordinance to see if it is viable.

RECESS

Mayor McCarty declared a five-minute recess, and the meeting was reconvened at approximately 9:35 p.m.

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BUS ZONE ESTABLISHED  
ON VINE STREET WEST OF  
HAM LANE

RES. NO. 81-169

CC-43(a)  
CC-300

Council was informed that Carolyn Wilson, Principal of Senior Elementary School, has requested that an additional bus loading zone be installed on the south side of Vine Street adjacent to the school. The school transports between 600 and 700 students daily. At the present time there is a bus zone on Ham Lane sufficient for 2 buses and the school has an on-site loading area sufficient for 6 buses.

Following discussion with questions being directed to Staff and to Ms. Wilson who was in the audience, Council on motion of Councilman Pinkerton, Murphy second, adopted Resolution No. 81-169 establishing a bus zone on Vine Street, west of Ham Lane.

APPROVAL OF INSTRUMENT  
MAINTENANCE  
SERVICE SPECIFICATIONS/WHITE SLOUGH

CC-47  
CC-27

Following introduction of the matter by Staff, Council, on motion of Councilman Pinkerton, Murphy second, approved specifications for White Slough Instrument Maintenance Service and authorized the Purchasing Agent to advertise for bids thereon.

SPECS APPROVED  
FOR SALAS PARK  
LIGHT FIXTURE  
PROJECT

CC-50  
CC-17

Specifications for the Salas Park Light Fixture Project were presented for Council's approval. Council was apprised that installation after the materials have been received will be done primarily by the Boosters of Boys Sports organization. Funds for this project will be derived from the 1976 and 1980 Bond Fund Programs.

On motion of Councilman Pinkerton, Katnich second, Council approved the specifications for the Salas Park Light Fixture Project and authorized the City Clerk to advertise for bids thereon.

HUTCHINS STREET  
ENVIRONMENTAL IMPACT  
REPORT

CC-45(a)

Council was apprised that in June 1981, the City's consultant, CH<sub>2</sub>N Hill, began work on the Environmental Impact Report and a special traffic analysis for the Hutchins Street Improvement Project. A public meeting was held in September to review the project. The draft environmental impact report which includes the traffic analysis is now ready for public circulation.

The Public Hearing is to receive comments on the adequacy of the EIR and the project in general.

PUBLIC HEARING SET

CC-46(a)

On motion of Mayor Pro Tempore Murphy, Pinkerton second, Council set the public hearing on the Hutchins Street Improvement Project, Kettleman Lane to Pine Street, for January 20, 1982 at 8:00 p.m.

COUNCIL SUPPORTS OF  
P.G. & E.

RELICENSING OF ROCK  
CREEK/CRESTA AND  
MOKELUMNE PROJECTS

Following introduction of the matter by Councilman Pinkerton and Council discussion, Council, on motion of Mayor Pro Tempore Murphy, Katnich second, adopted Resolution No. 81-170 - Resolution in support of P.G. & E. relicensing of Rock Creek/Cresta and Mokelumne Projects. The motion carried by the following votes:

RES. NO. 81-170

CC-51(a)  
CC-300

Ayes: Councilmen - Katnich, Murphy, Pinkerton, and  
McCarty (Mayor)

Noes: Councilmen - Hughes

Absent: Councilmen - None

RES. PETITIONING  
BRD. OF SUPERVISORS TO  
CONSIDER CITY'S PRO-  
POSAL REGARDING USE  
OF STATE PARKS AND  
RECREATIONAL BOND  
SUBVENTIONS TO  
CITIES AND COUNTY

RES. 81-171

CC-52(a)  
CC-300

Following introduction of the matter by Mayor McCarty, Council on motion of Councilman Pinkerton, Murphy second, adopted Resolution No. 81-171 - Resolution petitioning the Board of Supervisors to consider the City of Lodi's Proposal regarding use of State Parks and Recreational Bond Subventions to Cities and County.

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City Manager Graves apprised the Council that after the first of the Year, NCPA will move its headquarters office to the Roseville area. This decision was made to place the office in a more central location, avoid high housing costs and reduce business travel to the Energy Commission. The present treasurer and controller are from the city of Palo Alto. With the move, the Treasurer and Controller will come from Roseville. This requires an amendment to the Joint Powers Agreement. Other changes in wording, etc. was outlined by City Manager Graves for the benefit of the Council.

AMENDMENT NO. 3 TO  
NCPA JOINT POWERS  
AGREEMENT

On motion of Councilman Pinkerton, Hughes second, Council adopted Resolution No. 81-172 approving Amendment No. 3 to NCPA Joint Powers Agreement and authorized the Mayor and City Clerk to execute the Agreement on behalf of the City.

RES. NO. 81-172  
CC-116 10 800  
COUNCIL AUTHORIZES  
SALE OF SCENIC OVER-  
LOOK PROPERTY  
RES. NO. 81-173 CC-300

Following introduction of the matter by Councilman Pinkerton, Murphy second, Council adopted Resolution No. 81-173 authorizing the sale of the Scenic Overlook Property under the procedure set forth in Government Code Section 25526 et seq.

AGREEMENT WITH  
WEIGHT WATCHERS FOR  
USE OF CITY FACILITY  
APPROVED  
CC-116 10 800

Following introduction of the matter by City Manager Graves, Council, on motion of Councilman Pinkerton, Murphy second, approved an Agreement for use of a portion of the Carnegie Library by Weight Watchers and authorized the City Manager and City Clerk to execute the Agreement on behalf of the City.

COMPLIANCE AUDIT FOR  
REVENUE SHARING AND  
MANAGEMENT LETTER  
RECEIVED FOR FILING  
CC-116 10 800

On motion of Councilman Pinkerton, Murphy second, Council received for filing Compliance Audit for Revenue Sharing and Management Letter, City of Lodi, June 30, 1981 as prepared by Ernst and Whinney.

REMY AND ASSOCIATES  
RETAINED TO DEFEND  
MEASURE A  
CC-116 10 800

Following introduction of the matter by City Attorney Stein, and Council discussion, Council on motion of Councilman Katnich, Murphy second, appointed Remy and Associates to assist the City Attorney in the defense of Measure A. The compensation will be at the rate of \$75.00 per hour.

Councilman Hughes addressed the Council stating that there has been considerable discussion between the City Council and the City Manager regarding the assurance of continuity of performance in the positions of City Manager and Department Heads, and I might add, considerable speculation, and that he would like to lay this matter to rest.

CONTINUITY OF  
PERFORMANCE OF CITY  
MANAGER AND DEPART-  
MENT HEADS  
CC-116 10 800

Section 17-2-1 of the City Code speak of mandatory retirement at the age of 65 unless there are circumstances, approved by the City Council, to extend employment to the maximum age of 70.

The City Manager has been asked to assess his retirement plans and those of his department heads. In this respect, we would formally ask that the City Manager give the City Council at least 6 months notice of his plans to retire should he plan retirement earlier than the age specified in the City Code.

Also that the language of Section 17-2-1 of the City Code be clarified to provide, in as much as possible, adequate advance notice to the City Council of planned retirements of other key administrative personnel. Councilman Hughes then asked that this statement be considered to be in the form of a motion. The motion was seconded by Councilman Katnich. The motion carried by unanimous vote. Following

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CONTINUITY OF  
PERFORMANCE OF CITY  
MANAGER AND DEPART-  
MENT HEADS  
(Cont'd)

an inquiry by Mayor McCarty, it was determined with the tacet concurrence of the Council that the final authority to hire and discharge a City Manager will rest with the City Council. Council asked the City Manager to prepare a report regarding the matters included in the motion for presentation to the City Council at its January 20, 1982 regular meeting.

ORDINANCES

Ordinance No. 1244 - Ordinance approving General Plan Land Use Element Amendment No. GPA-LU-81-3 which consists of three sections:

Section 1: Redesignating the .62 acre parcel at 1435 Academy Street, Lodi from Low Density Residential to Commercial;

GENERAL PLAN LAND  
USE ELEMENT AMEND-  
MENT NO. GPA-LU-81-3

Section 2: Redesignate the 2.30 acre parcel at 1420 West Kettleman Lane, Lodi from Office-Institutional to Commercial.

ORDINANCE NO. 1244  
ADOPTED

Section 3: Redesignate parcel at 1001 Windsor Drive from Low Density Residential to Office Institutional having been introduced at a regular meeting of the Council held November 18, 1981, was brought up for passage after reading by title. On motion of Councilman Pinkerton, Murphy second, the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - Katnich, Murphy, Pinkerton,  
Hughes, McCarty (Mayor)

Noes: Councilmen - None

Absent: Councilmen - None

ORDINANCE REZONING  
.62 ACRE PARCEL AT  
1435 ACADEMY STREET  
FROM R-2 TO C-M

Ordinance No. 1245 - Ordinance rezoning the .62 acre parcel at 1435 Academy Street, Lodi from R-2, Single-Family Residential to C-M, Commercial-Light Industrial having been introduced at a regular meeting of the Council held November 18, 1981, was brought up for passage after reading by title. On motion of Mayor Pro Tempore Murphy, Pinkerton second, the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - Katnich, Murphy, Pinkerton,  
Hughes, McCarty (Mayor)

Noes: Councilmen - None

Absent: Councilmen - None

ORD. NO. 1245  
ADOPTED

Ordinance No. 1246 - Ordinance amending P-D (15), Planned Development No. 15 to permit the 2.30 acre parcel at 1420 West Kettleman Lane to conform to the C-S, Commercial Shopping District, rather than the R-C-P, Residential-Commercial-Professional District having been introduced at a regular meeting of the Council held November 18, 1981 was brought up for passage after reading by title. On motion of Mayor Pro Tempore Murphy, Pinkerton second, the Ordinance was then adopted and ordered to print by the following vote:

Ayes: Councilmen - Katnich, Murphy, Pinkerton,  
Hughes, McCarty (Mayor)

Noes: Councilmen - None

Absent: Councilmen - None

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ADJOURNMENT

There being no further business to come before the Council, Mayor McCarty adjourned the meeting at approximately 10:00 p.m.

ATTEST:

*Alice M. Reimche*  
ALICE M. REIMCHE  
City Clerk